

**CITY OF EL PASO**  
**2009 STATE LEGISLATIVE PRIORITIES**  
**81<sup>ST</sup> LEGISLATIVE SESSION**



**MAYOR AND CITY COUNCIL**

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**CITY MANAGER**

**CITY OF EL PASO**  
**2009 State Legislative Priorities**  
**81<sup>st</sup> Legislative Session**

**Strategic Policy Statements:** The City Council of the City of El Paso has met to formulate strategic policies to serve as guiding principles for the governance of the City of El Paso. Decision regarding City of El Paso positions regarding legislative matters will be weighed against these guiding principles when formulating positions.

1. **FISCAL:** The City of El Paso will seek to ensure long-term fiscal stability and sustainability of the City government.
2. **CUSTOMER SERVICE:** The City of El Paso will be a high performance, customer focused organization.
3. **CITIZEN INVOLVEMENT:** The City of El Paso will facilitate opportunities for citizens to be involved in local government.
4. **TRANSPORTATION:** The City of El Paso has a goal of becoming the least car dependent City in the Southwest.
5. **COMMUNITY DEVELOPMENT:** The City of El Paso shall become the most livable city in the United States and be recognized as an international city.
6. **ECONOMIC DEVELOPMENT:** The City of El Paso will help business create quality jobs in El Paso and revitalize targeted areas of town, thereby adding to the tax base and fostering a healthy economy.

**General Principles:** The City of El Paso supports legislation that enhances the City's ability to solve problems and improve the quality of life for its citizens. The City of El Paso opposes legislation that reduces the City's authority or increases the City's costs. We will work with other Cities to enhance and protect the authority of municipalities and to ensure that City taxpayers are not burdened with additional unfunded mandates.

The City of El Paso will also support legislative initiatives of community partners that enhance the educational, cultural, and infrastructure resources in our region.

This document reflects the City's adopted legislative policy as approved by City Council. The City's legislative program is organized into three categories:

- I. Priority Legislative Initiatives** - The City will actively seek to secure legislators to author bills for these initiatives, unless otherwise noted. The City will support and provide positive testimony for these initiatives and actively pursue passage of the bill.
- II. Statement of Support or Opposition** – City staff and authorized representatives will make known the City’s position on these issues. Depending on the issue, staff will work to either assist in the passage of the bill or work against passage to preserve the City’s interests. The important distinction between this category and the earlier category is that the City will not seek introduction of any legislation, but will vocalize the City’s position in support or opposition.
- III. Issues to Monitor** – City staff and authorized representatives will monitor and track the development of any related legislation. Staff will seek advice and direction from the Mayor before taking an official position or taking any action to influence an outcome.

**For more information, please feel free to contact:**

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# **I. PRIORITY LEGISLATIVE INITIATIVES**

## **1. TRANSPORTATION**

Support the authorization of \$5 billion in Proposition 12 general obligation bonds to provide funding for highway improvement projects.

On November 6, 2007, Texas voters approved by a margin of 63 to 37 percent a constitutional amendment (Proposition 12) providing for the issuance of general obligation bonds by the Texas Transportation Commission in an amount not to exceed \$5 billion to provide funding for highway improvement projects. The bonds are to be backed from the state's general revenues rather than from gasoline taxes. The amendment was proposed by unanimous votes in both the House and Senate (S.J.R. 64). Before bonds can be issued and any funding allocated to transportation projects, authorization is required by the Texas Legislature.

Support legislation to eliminate diversions of state transportation revenues to non-transportation uses.

In 1987, state leadership began to transfer transportation funds to other areas of the state budget, with little regard for the long-term impact. Ignoring population growth projections, state government continued that practice, resulting in poor planning decisions. Over the past twenty years, more than \$10.5 billion has been transferred from transportation needs to other areas of the state budget.

Support efforts to capitalize the Texas Rail Relocation fund, authorized by voters in November 2005, to provide for relocation of existing rail traffic in metropolitan and urbanized areas.

Major urban areas in Texas are developing plans to relocate existing rail lines away from crowded urban areas in order to enhance safety, increase freight and commuter rail capacity, reduce toxic spills, improve air quality, reduce 18-wheeler truck traffic on Texas highways, and spur economic development. Funds are needed to implement these plans.

Support the Texas Department of Transportation's budget request for additional funding to maintain and clean rights of way.

Support preservation of the Texas Transportation Commission in its current configuration.

**2. TRANSIT**

Increase funding options for transit projects and support legislation that would require that all expenditures for highway construction in the State of Texas allow for funding dedicated transit lanes, bike paths and pedestrian friendly complements.

Support transit exemptions for transit equipment from motor fuel tax.

Support legislation to empower metropolitan regions to enact a local option transportation tax with voter approval.

**3. MOBILITY**

Secure funding to study the feasibility of relocating or depressing the railroad tracks in the area of the Texas Tech/Thomason Medical Center of the Americas area.

Support efforts to expedite commercial truck safety inspections at international ports of entry by coordinating efforts between the Texas Department of Public Safety (DPS) and the Federal Motor Carrier Safety Administration (FMCSA) to create one-stop safety inspection facility for commercial trucks at the land ports of entry in the El Paso region.

**Deleted:** Endorse the resolution passed by the El Paso MPO on October 24, 2008 to encourage funding of transit and alternative modes of transportation from Category 2 funds.¶

**4. TRIBAL RIGHTS**

Support the efforts of the members of the El Paso Delegation to restore gaming rights on tribal land to the members of the Ysleta del Sur Pueblo.

**5. TEXAS TECH FOUR YEAR MEDICAL SCHOOL**

Support Texas Tech University's Legislative Appropriations Request for \$17,600,000.00 for operational support of the four-year medical school campus in El Paso.

**6. STATE PARK**

Seek additional appropriation for a visitor's center in the Franklin Mountains State Park to be located in the Northeast part of El Paso.

Seek enactment of legislation that provides utility companies with recreational immunity on property that is open for recreational use by the general public, such as trails along electrical corridors or irrigation canals.

Seek funding for creation of new trails to enhance accessibility to the Franklin Mountains State Park.

**7. DOWNTOWN REVITALIZATION**

Seek enactment of legislation to allow for incentives to assist with the implementation of the El Paso Downtown Revitalization Plan such as mixed income housing tax credits, State historic tax credits and renewable energy tax credits and incentives.

**8. TAX CODE**

Seek enactment of legislation requiring Central Appraisal Districts to grant a full tax exemption to nature preserves that are owned by non-profit land trusts and are open for public use and enjoyment

Support enactment to increase penalties for chronic delinquent taxpayers.

Amend Chapter 42, Subchapter A of the Tax Code to give taxing entities legal standing to enforce the collection of payment of taxes as set out in Section 42.08 (b) and to seek a court order dismissing a pending action if the taxpayer fails to comply with the Section 42.08 (b) payment requirement.

**9. ENVIRONMENTAL**

Support renewable energy tax credits that complement federal renewable energy tax credits.

Support changes in the Public Utility Commission requirements to simplify the procedure for El Paso Electric to pay Renewable Energy Credits to individuals who are pushing power back onto the grid with renewable energy projects.

Support measures to enhance the use of solar energy “buy back” programs in the State of Texas.

Support measures to continue to increase the use of crumb rubber and shredded tire pieces in highway construction.

Support legislation that would require tire dealers and any facility that sells new & used tires to "render a tire unusable" by poking a 1/2 inch hole in the tire, if the tread on that tire does not meet safety standards (i.e., pass annual State inspection).

Support legislation that allows a deposit/refund to be collected for the purposes of recycling glass bottles.

Support measures in the legislature that will advance clean energy solutions by creating incentives and rebates to encourage installation of solar panels and energy efficiency measures in Texas homes and businesses.

## **10. HEALTHCARE AND PUBLIC HEALTH**

Support increased State funding for Medicaid and CHIP.

Support expedited licensure requirements to decrease the shortages of healthcare professionals in the State of Texas and border communities in particular.

Support the creation of statewide policies to facilitate coordination between health, judicial and law enforcement professionals to develop a jail decision program to keep mentally ill persons out of the jail system.

Support El Paso MHMR's funding request for additional funding in the amount of \$8,401,560.00 to meet the needs of the El Paso population, including the growth at Ft. Bliss.

Support measures identified by the Children's Mental Health Forum as priorities for the 81<sup>st</sup> Legislative Session.

Seek enactment of legislation to require businesses with more than 50 employees that receive state contracts provide health insurance to their employees.

Seek an amendment to state law to allow a lien to be placed on a homestead property with mosquito control chemicals to protect the public health and safety.

## **11. EDUCATION**

Support the effort by the El Paso delegation to assist UTEP achieve Tier 1 status.

## **II. STATEMENTS OF SUPPORT AND OPPOSITION**

### **1. MILITARY AFFAIRS**

Support funding to workforce development to create programs to assist in job placement of accompanying military spouses.

Seek additional resources dedicated to military installations, soldiers and their dependents residing in the State of Texas. These resources should also include incentives for those who wish to purchase homes, through tax breaks or other means.

Support passage of H.B. 43 filed by State Representative Ruth Jones McClendon of San Antonio to help protect areas around military installations across the state from encroachment by residential and commercial developers.

### **2. WATER**

Support Public Service Board's request for funding:

- \$500,000 for the creation of state-wide water conservation program,
- \$6.3 million for infrastructure in the colonias, and
- \$20 million to address needed infrastructure within the El Paso Water Utilities system.

Support the establishment of separate construction grant programs for reuse projects

Support the Public Service Board's request to consider State regulatory requirements that continue to change and El Paso Water Utilities' ability to meet new regulations, variances, changes in regulatory requirements, and/or alternative treatment processes may be considered.

### **3. DEVELOPMENT**

Support the efforts of the TXAPA to amend §545.352 of the Transportation Code to permit residential access streets to be designed for a 20 or 25 mph speed limit in lieu of the prima facie speed limit of 30 mph.

Support legislation to allow counties additional development authority, provided that such legislation does not erode city authority in the ETJ or conflict with development regulations enacted by cities with authority over the ETJ.

#### **4. IMMIGRATION AND BORDER SECURITY**

Oppose legislation not in keeping with the resolution calling for comprehensive immigration reform as part of the City's state and federal agendas approved by City Council on January 13, 2009.

Support efforts by the University of Texas at El Paso's Center of Excellence for Border Security and Immigration and Center for Defense Systems Research.

#### **5. REVENUE AND TAXATION**

Support the efforts of appraisal districts across the State of Texas to seek legislation requiring the mandatory disclosure of real property sales prices to appraisal districts.

Oppose legislation that would mandate a reduction in the current appraisal growth cap.

Oppose legislation that would impose revenue caps of any type, including a lowered rollback rate, mandatory tax rate ratification elections or lowered rollback petition requirements.

Support legislation that would create further protection from predatory lending practices and close the "loophole" that allows payday lenders to use Credit Service Organizations to avoid usury laws in Texas while at the same time capping fees on any loans brokered by Credit Service Organizations so that the fees plus the interest paid are not higher than Texas usury limits.

Oppose legislation that would erode the protections currently in place in existing laws.

#### **6. EDUCATION**

Support funding for recruiting additional teachers.

Support the enhancement of the educational pipeline from Head Start through the college level.

Support public school finance solutions that give equitable funding to all public schools in the State of Texas and improve quality and results for each of those schools.

Support additional resources and flexibility to be given to school districts to allow for necessary expansion of services due to rapid military base expansion.

## **7. HEALTHCARE AND PUBLIC HEALTH**

Support funding for supportive housing programs for the mentally ill and the regulation of lodging facilities that serve that population.

Support TDHCA's budget request for \$40 million additional allocation for the Housing Trust Fund and \$10.7 million additional allocation for the housing weatherization program.

Support funding for educational institutions to increase the number of admissions of healthcare professionals.

Support legislation to continue streamlining and simplifying eligibility processes for Medicaid that will encourage more eligible but non-covered individuals to take advantage of this program.

Support legislation that increases funding to Title 5 services (coverage for children's dental and immunization services; and public education for prevention of diabetes, cardiovascular disease and cancer).

Support legislation that eliminates the disparity in border Medicaid capitation rates and per capita expenditures.

Support continued funding for the Texas Area Information and Referral Networks.

Support legislation that reverses the reduction in funding for public health activities to include, but not limited to, children's health, women's health services, child and adult immunizations, family planning, tuberculosis, and services related to sexually transmitted diseases, and vector/mosquito control and general environmental enforcement activities.

Support legislation that allows for appropriate and responsive mental health and mental retardation services in our community as well as provides adequate resources to avert a waiting list. Instituting a waiting list would result in fewer people being treated and more people seeking care in emergency rooms and through the jail system.

Support legislation that ensures accountability and performance from the Adult and Child Protective Services Agency.

Support efforts to advocate for health care financing that will improve coverage, eliminate disparities in rates, and provide incentives for employers to insure employees.

Support legislation that will aid in licensing physicians and medical personnel in this region to address health care professional shortages.

**8. PARKS AND RECREATION**

Support passage of legislation maximizing the use of revenue from the sporting goods sales tax to increase funding for parks and recreation programs for both Local and State parks and that all TRPA funded park projects be subject to the established TPWD competitive scoring system.

Support legislation that increases funding for the Texas State Park System and for the Texas Recreation and Parks Account Local Park Grant Program.

**9. QUALITY OF LIFE - LIBRARIES**

Support increased state aid for public libraries through the Lone Star Libraries program.

**10. WORKFORCE DEVELOPMENT**

Support the continuation and enhancement of the Skills Development Fund job-training program.

Support Project ARRIBA in securing and obtaining state funds that provide workforce training in demand occupations.

**11. GENERAL GOVERNMENT**

Support funding and programs to support local efforts to address the homelessness issue which exists within our Texas cities. Specifically creating strategic partnerships with the Texas Department of Criminal Justice to better link the re-entry population from our prisons, and the operational and service subsidies that come with them, to supportive housing projects; and seek from the Texas Department of Criminal Justice or Department of Public Safety the pre-release issuance of a Texas ID Certificate for everyone discharged from a Texas jail or prison.

Support legislation that would require electronic reporting of pawnshop data to local law enforcement agencies.

Support El Paso County's Anti-Graffiti Community Task Force's efforts to amend Texas Penal Code in order to enforce harsher penalties for repeat graffiti offenders.

Support the El Paso delegation's efforts to reform Central Appraisal District governance structure, appraisal process, appeal process, accountability and transparency to the public.

Support the passage of legislation that would enhance the ability of cities to expeditiously enforce and collect on liens for work done in connection with the demolition of unsafe

structures, environmental clean-up and other expenses incurred to remedy nuisances or to safeguard the health and safety of the public.

Support the passage of legislation that would allow for non-peace officer employees to issue citations for municipal code violations.

## **12. GENERAL MUNICIPAL INTERESTS**

The City will support legislation and administrative actions that:

- a. Will protect and enhance City revenues.
- b. Reduce costs to the City.
- c. Provide for more local control.
- d. Protect those policies previously established through the Charter, ordinances, resolutions, and master plans.

The City will oppose legislation or administrative actions that:

- a. Undermines the principle of home rule and local self-government.
- b. Results in loss of revenue or revenue growth to cities.
- c. Diminishes the current authority of cities to regulate and manage their growth and development.
- d. Nullifies or undermines the City's policies contained in existing provision of the Charter, ordinances, resolutions and master plans, unless such changes expand the City's ability to manage its own affairs.
- e. Diminishes any existing authority of cities.
- f. Imposes mandates that require any expenditure by the City unless all costs of same, including administrative as well as direct out-of-pocket costs, are fully reimbursed by the mandating government.

## **III. ISSUES TO MONITOR**

1. Legislation that affects international trade.
2. Legislation that affects public pension funds.
3. Legislation affecting red light cameras.
4. Legislation affecting eminent domain.

Additional legislative developments will be brought to the attention of Mayor, Council, and the City Manager throughout the session.